

## **EXHIBIT A**

### **Part 1 of 2**

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*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Adv. Pro. No. 08-01789 (SMB)

Plaintiff-Applicant,

SIPA LIQUIDATION

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-05048 (SMB)

Plaintiff,

v.

ESTATE of ARMAND L. GREENHALL,

**SECOND AMENDED COMPLAINT**

PENG YAN, individually and as Executor of the Estate of Armand L. Greenhall, and

DEIDRE SWEENEY, as Executor of the Estate of Armand L. Greenhall,

Defendants.

Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq. (“SIPA”),<sup>1</sup> and the substantively consolidated chapter 7 estate of Bernard L. Madoff (“Madoff,” and with BLMIS, “Debtors”), by and through his undersigned counsel, for his second amended complaint (the “Complaint”) against the Estate of Armand L. Greenhall (the “Greenhall Estate”), Peng Yan, individually and in his capacity as Executor of the Greenhall Estate (“Yan”), and Deidre Sweeny, in her capacity as Executor of the Greenhall Estate (“Sweeney”) (collectively, “Defendants”), states as follows:

**NATURE OF PROCEEDING**

1. This adversary proceeding arises from the massive Ponzi scheme perpetrated by Madoff. Over the course of the scheme, there were more than 8,000 client accounts at BLMIS. In early December 2008, BLMIS generated client account statements for its approximately 4,900 open client accounts. When added together, these statements purport to show that clients of BLMIS had approximately \$65 billion invested with BLMIS. In reality, BLMIS had assets on hand worth a small fraction of that amount. On March 12, 2009, Madoff admitted to the fraudulent scheme and pled guilty to 11 felony counts, and was sentenced on June 29, 2009 to 150 years in prison.

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<sup>1</sup> Hereinafter, applicable sections of SIPA shall be cited as SIPA § \_\_\_\_, and omit reference to title 15, United States Code.

2. Defendants the Greenhall Estate and Yan, individually, were beneficiaries of this Ponzi scheme. After December 11, 2006, Armand L. Greenhall (“Greenhall”) and the Greenhall Estate received \$5,393,925 from BLMIS. Of this amount, \$5,217,527 represented fictitious profits from the Ponzi scheme. Yan, in his individual capacity, received subsequent transfers of these fictitious profits in the amount of at least \$4,208,133. The Trustee seeks to avoid and recover BLMIS’s fraudulent transfers of fictitious profits made to Greenhall, the Greenhall Estate, and, subsequently, to Yan, so that this customer property can be equitably distributed to the allowed customer claims against BLMIS.

3. This adversary proceeding is brought pursuant to sections 78fff(b), 78fff-1(a) and 78fff-2(c)(3) of SIPA, sections 105(a), 548(a), 550(a), and 551 of title 11 of the United States Code (the “Bankruptcy Code”).

#### **JURISDICTION AND VENUE**

4. This is an adversary proceeding commenced in this Court, in which the main underlying SIPA proceeding, No. 08-01789 (SMB) (the “SIPA Proceeding”), is pending. The SIPA Proceeding was originally brought in the United States District Court for the Southern District of New York as *Securities Exchange Commission v. Bernard L. Madoff Investment Securities LLC et al.*, No. 08 CV 10791 (the “District Court Proceeding”) and has been referred to this Court. This Court has jurisdiction over this adversary proceeding under 28 U.S.C. § 1334(b) and (e)(1), and 15 U.S.C. § 78eee(b)(2)(A) and (b)(4).

5. This is a core proceeding under 28 U.S.C. §§ 157(b)(2)(A), (H) and (O). The Trustee consents to the entry of final orders or judgment by this Court if it is determined that consent of the parties is required for this Court to enter final orders or judgment consistent with Article III of the U.S. Constitution.

6. Venue in this judicial district is proper under 28 U.S.C. § 1409.

**DEFENDANTS**

7. Greenhall was an individual who died on or about April 14, 2008, in New York, New York. The Last Will and Testament of Armand L. Greenhall dated August 17, 2006 (“Will”) was submitted for probate on May 8, 2008 in the Surrogate Court for New York County, New York, File No. 2008-1750. Defendant Greenhall Estate is successor-in-interest to Greenhall.

8. Upon information and belief, Defendant Yan is a resident of Knoxville, Tennessee. Defendant Yan was appointed executor of the Greenhall Estate by preliminary letters testamentary issued in May 2008 and letters testamentary issued in November 2008 by the Surrogate Court for the County of New York. Defendant Yan is also the residuary beneficiary of the Greenhall Estate and, in that capacity, received subsequent transfers of BLMIS funds as part of his residuary distribution between at least July of 2008 and July of 2014.

9. Upon information and belief, Defendant Sweeney is a resident of New York, New York. Defendant Sweeney was appointed executor of the Greenhall Estate by preliminary letters testamentary issued in May 2008 and letters testamentary issued in November 2008 by the Surrogate Court for the County of New York (Sweeney and Yan are referred to collectively as the “Co-Executors”).

**BACKGROUND, THE TRUSTEE AND STANDING**

10. On December 11, 2008 (the “Filing Date”), Madoff was arrested by federal agents for criminal violations of federal securities laws, including securities fraud, investment adviser fraud, and mail and wire fraud. Contemporaneously, the Securities and Exchange Commission (“SEC”) commenced the District Court Proceeding.

11. On December 15, 2008, under SIPA § 78eee(a)(4)(A), the SEC consented to combining its action with an application by the Securities Investor Protection Corporation (“SIPC”). Thereafter, under SIPA § 78eee(a)(4)(B), SIPC filed an application in the District Court

alleging, among other things, that BLMIS could not meet its obligations to securities customers as they came due and its customers needed the protections afforded by SIPA.

12. Also on December 15, 2008, Judge Stanton granted SIPC's application and entered an order pursuant to SIPA, which, in pertinent part:

- (a) appointed the Trustee for the liquidation of the business of BLMIS pursuant to SIPA § 78eee(b)(3);
- (b) appointed Baker & Hostetler LLP as counsel to the Trustee pursuant to SIPA § 78eee(b)(3); and
- (c) removed the case to this Court pursuant to SIPA § 78eee(b)(4).

13. By orders dated December 23, 2008 and February 4, 2009, respectively, this Court approved the Trustee's bond and found that the Trustee was a disinterested person. Accordingly, the Trustee is duly qualified to serve and act on behalf of the estate.

14. On April 13, 2009, an involuntary bankruptcy petition was filed against Madoff, and on June 9, 2009, this Court substantively consolidated the chapter 7 estate of Madoff into the SIPA Proceeding.

15. At a plea hearing on March 12, 2009, in the case captioned *United States v. Madoff*, Case No. 09-CR-213(DC), Madoff pleaded guilty to an 11-count criminal information filed against him by the United States Attorney for the Southern District of New York. At the plea hearing, Madoff admitted he "operated a Ponzi scheme through the investment advisory side of [BLMIS]."

16. At a plea hearing on August 11, 2009, in the case captioned *United States v. DiPascali*, Case No. 09-CR-764 (RJS), Frank DiPascali, a former BLMIS employee, pleaded guilty to a ten-count criminal information charging him with participating in and conspiring to perpetuate the Ponzi scheme. DiPascali admitted that no purchases or sales of securities took place in connection with BLMIS customer accounts and that the Ponzi scheme had been ongoing at BLMIS since at least the 1980s.

17. At a plea hearing on November 21, 2011, in the case captioned *United States v. Kugel*, Case No. 10-CR-228 (LTS), David Kugel, a former BLMIS trader and manager, pleaded guilty to a six-count criminal information charging him with securities fraud, falsifying the records of BLMIS, conspiracy, and bank fraud. Kugel admitted to helping create false, backdated trades in BLMIS customer accounts beginning in the early 1970s.

18. On March 24, 2014, Daniel Bonventre, Annette Bongiorno, Jo Ann Crupi, George Perez, and Jerome O'Hara were convicted of fraud and other crimes in connection with their participation in the Ponzi scheme as employees of BLMIS's investment advisory business ("IA Business").

19. As the Trustee appointed under SIPA, the Trustee is charged with assessing claims, recovering and distributing customer property to BLMIS's customers holding allowed customer claims, and liquidating any remaining BLMIS assets for the benefit of the estate and its creditors. The Trustee is using his authority under SIPA and the Bankruptcy Code to avoid and recover payouts of fictitious profits and/or other transfers made by the Debtors to customers and others to the detriment of defrauded, innocent customers whose money was consumed by the Ponzi scheme. Absent this and other recovery actions, the Trustee will be unable to satisfy the claims described in subparagraphs (A) through (D) of SIPA § 78fff-2(c)(1).

20. Pursuant to SIPA § 78fff-1(a), the Trustee has the general powers of a bankruptcy trustee in a case under the Bankruptcy Code in addition to the powers granted by SIPA pursuant to SIPA § 78fff(b). Chapters 1, 3, 5 and subchapters I and II of chapter 7 of the Bankruptcy Code apply to this proceeding to the extent consistent with SIPA pursuant to SIPA § 78fff(b).

21. The Trustee has standing to bring the avoidance and recovery claims under SIPA § 78fff-1(a) and applicable provisions of the Bankruptcy Code, including 11 U.S.C. §§ 323(b),

544, and 704(a)(1), because the Trustee has the power and authority to avoid and recover transfers under Bankruptcy Code sections 544, 548, 550(a), and 551, and SIPA §§ 78fff-1(a) and 78fff-2(c)(3).

**BLMIS, THE PONZI SCHEME, AND MADOFF'S INVESTMENT STRATEGY**

**I. BLMIS**

22. Madoff founded BLMIS in 1960 as a sole proprietorship. In 2001, Madoff registered BLMIS as a New York limited liability company. At all relevant times, Madoff controlled BLMIS first as its sole member, and thereafter as its chairman and chief executive.

23. In compliance with 15 U.S.C. § 78o(b)(1) and SEC Rule 15b1-3, and regardless of its business form, BLMIS operated as a single broker-dealer from 1960 through 2008. Public records obtained from the Central Registration Depository of the Financial Industry Regulatory Authority Inc. reflect BLMIS's continuous registration as a securities broker-dealer from January 19, 1960 through December 31, 2008. At all times, BLMIS was assigned CRD No. 2625. SIPC's Membership Management System database ("MMS") also reflects BLMIS's registration with the Securities and Exchange Commission ("SEC") as a securities broker-dealer from January 19, 1960 through December 31, 2008. On December 30, 1970, BLMIS became a member of SIPC and continued its membership without any change in status until the Filing Date. SIPC membership is contingent on registration of the broker-dealer with the SEC.

24. For most of its existence, BLMIS's principal place of business was 885 Third Avenue in New York City, where Madoff operated three principal business units: a proprietary trading desk, a broker dealer operation, and an investment advisory business (the "IA Business").

25. BLMIS's website publicly boasted about the sophistication and success of its proprietary trading desk and broker-dealer operations, which were well known in the financial industry. BLMIS's website omitted the IA Business entirely. BLMIS did not register as an

investment adviser with the SEC until 2006, following an investigation by the SEC, which forced Madoff to register.

26. For more than 20 years preceding that registration, the financial reports BLMIS filed with the SEC fraudulently omitted the existence of billions of dollars of customer funds BLMIS managed through its IA Business.

27. In 2006, BLMIS filed its first Form ADV (Uniform Application for Investment Adviser Registration) with the SEC, reporting that BLMIS had 23 customer accounts with total assets under management of \$11.7 billion. BLMIS filed its last Form ADV in January 2008, reporting that its IA Business still had only 23 customer accounts with total assets under management of \$17.1 billion. In reality, Madoff grossly understated these numbers. In 2008, BLMIS had over 4,900 active customer accounts with a purported value of approximately \$68 billion in assets under management. At all times, BLMIS's Form ADVs were publicly available.

## **II. THE PONZI SCHEME**

28. At all relevant times, Madoff operated the IA Business as a Ponzi scheme using money deposited by customers that BLMIS claimed to invest in securities. The IA Business had no legitimate business operations and produced no profits or earnings. Madoff was assisted by several family members and a few employees, including Frank DiPascali, Irwin Lipkin, David Kugel, Annette Bongiorno, Joanne Crupi, and others, who pleaded to, or were found guilty of, assisting Madoff in carrying out the fraud.

29. BLMIS's proprietary trading desk was also engaged in pervasive fraudulent activity. It was funded, in part, by money taken from the IA Business customer deposits, but fraudulently reported that funding as trading revenues and/or commissions on BLMIS's financial statements and other regulatory reports filed by BLMIS. The proprietary trading business was

incurring significant net losses beginning in at least mid-2002 and thereafter, and thus required fraudulent infusions of cash from the IA Business to continue operating.

30. To provide cover for BLMIS's fraudulent IA Business, BLMIS employed Friehling & Horowitz, CPA, P.C. ("Friehling & Horowitz") as its auditor, which accepted BLMIS's fraudulently reported trading revenues and/or commissions on its financial statements and other regulatory reports that BLMIS filed. Friehling & Horowitz was a three-person accounting firm based out of a strip mall in Rockland County, New York. Of the three employees at the firm, one was a licensed CPA, one employee was an administrative assistant, and one was a semi-retired accountant living in Florida.

31. On or about November 3, 2009, David Friehling, the sole proprietor of Friehling & Horowitz, pleaded guilty to filing false audit reports for BLMIS and filing false tax returns for Madoff and others. BLMIS's publicly available SEC Form X-17A-5 included copies of these fictitious annual audited financial statements prepared by Friehling & Horowitz.

*Madoff's Investment Strategy*

32. BLMIS purported to execute two primary investment strategies for IA Business customers: the convertible arbitrage strategy and the split strike conversion strategy ("SSC strategy"). For a limited group of IA Business customers, primarily consisting of Madoff's close friends and their families, Madoff also purportedly purchased securities that were held for a certain time and then purportedly sold for a profit. At all relevant times, Madoff conducted no legitimate business operations using any of these strategies.

33. The convertible arbitrage investment strategy was supposed to generate profits by taking advantage of the pricing mismatches that can occur between the equity and bond/preferred equity markets. Investors were told they would gain profits from a change in the expectations for

the stock or convertible security over time. In the 1970s this strategy represented a significant portion of the total IA Business accounts, but by the early 1990s the strategy was purportedly used in only a small percentage of IA Business accounts.

34. From 1992 forward, Madoff began telling IA Business customers that he employed the SSC strategy for their accounts, even though in reality BLMIS never traded any securities for its IA Business customers. All funds received from IA Business customers were commingled in a single BLMIS account maintained at JPMorgan Chase Bank. These commingled funds were not used to trade securities, but rather to make distributions to, or payments for, other customers, to benefit Madoff and his family personally, and to prop up Madoff's proprietary trading business.

35. BLMIS reported falsified trades using backdated trade data on monthly account statements sent to IA Business customers that typically reflected substantial gains on the customers' principal investments.

36. The SSC strategy purported to involve: (i) the purchase of a group or basket of equities (the "Basket") intended to highly correlate to the Standard & Poor's 100 Index (the "S&P 100 Index"), (ii) the purchase of out-of-the-money S&P 100 Index put options, and (iii) the sale of out-of-the-money S&P Index call options.

37. The put options were to control the downside risk of price changes in the Basket. The exercise of put options could not turn losses into gains, but rather could only put a floor on losses. By definition, the exercise of a put option would entail a loss for BLMIS.

38. The sale of call options would partially offset the costs associated with acquiring puts, but would have the detrimental effect of putting a ceiling on gains. The call options would make it difficult, if not impossible, for BLMIS to outperform the market, because in a rising market, calls would be exercised by the counterparty.

39. The simultaneous purchase of puts and calls to hedge a securities position is commonly referred to as a “collar.” The purpose of the collar is to limit exposure to volatility in the stock market and flatten out returns on investment.

40. For the SSC strategy to be deployed as Madoff claimed, the total value of each of the puts and calls purchased for the Basket had to equal the notional value of the Basket. For example, to properly implement a collar to hedge the \$11.7 billion of assets under management that Madoff publicly reported in 2006 would have required the purchase of call and put options with a notional value (for each) of \$11.7 billion. There are no records to substantiate Madoff’s purchase of call and put options in any amount, much less in billions of dollars.

41. Moreover, at all times that BLMIS reported its total assets under management, publicly available information about the volume of exchange-traded options showed that the volume of options contracts necessary to form the collar and implement the SSC strategy exceeded the available options.

#### BLMIS’s Fee Structure

42. BLMIS charged commissions on purportedly executed trades rather than management and performance fees based on the value of assets under management, but by using a commission-based structure, Madoff inexplicably walked away from hundreds of millions of dollars in fees.

#### *BLMIS’s Market Timing*

43. Madoff also lied to customers when he told them that he carefully timed securities purchases and sales to maximize value. Madoff explained that he achieved market timing by intermittently taking customer funds out of the market. During those times, Madoff purported to

invest BLMIS customer funds in U.S. Treasury securities (“Treasury Bills”) or mutual funds invested in Treasury Bills.

44. BLMIS’s market timing, as reported on its customer statements, showed an uncanny ability to buy low and sell high, an ability so uncanny, that any sophisticated or professional investor, including the Defendant[s], could see it was statistically impossible. BLMIS’s customer statements also showed, without fail, a total withdrawal from the market at every quarter and year end.

45. As a registered broker-dealer, BLMIS was required, pursuant to section 240.17a-5 of the Securities Exchange Act of 1934, to file quarterly and annual reports with the SEC that showed, among other things, financial information on customer activity, cash on hand, and assets and liabilities at the time of reporting. BLMIS’s reported quarterly and year-end exits were undertaken to avoid these SEC requirements. But these exits also meant that BLMIS was stuck with the then-prevailing market conditions. It would be impossible to automatically sell all positions at fixed times, independent of market conditions, and win every time. Yet this is precisely what BLMIS’s customer statements reported.

46. BLMIS’s practice of exiting the market at fixed times, regardless of market conditions, was completely at odds with the SSC strategy, which relied on holding long positions rather than on short-term speculative trading.

47. There is no record of BLMIS clearing a single purchase or sale of securities in connection with the SSC strategy at The Depository Trust & Clearing Corporation, the clearing house for such transactions, its predecessors, or any other trading platform on which BLMIS could have traded securities. There are no other BLMIS records that demonstrate that BLMIS traded securities using the SSC strategy.

48. All exchange-listed options relating to the companies within the S&P 100 Index, including options based upon the S&P 100 Index itself, clear through the Options Clearing Corporation (“OCC”). The OCC has no records showing that BLMIS’s IA Business cleared any trades in any exchange-listed options.

*The Collapse of the Ponzi Scheme*

49. The Ponzi scheme collapsed in December 2008, when BLMIS customers’ requests for redemptions overwhelmed the flow of new investments.

50. At their plea hearings, Madoff and DiPascali admitted that BLMIS purchased none of the securities listed on the IA Business customers’ fraudulent statements, and that the IA Business operated as a Ponzi scheme.

51. At all relevant times, BLMIS was insolvent because (i) its assets were worth less than the value of its liabilities; (ii) it could not meet its obligations as they came due; and (iii) at the time of the transfers alleged herein, BLMIS was left with insufficient capital.

**THE TRANSFERS**

52. Greenhall maintained three accounts (Nos. 1G0109, 1G0071, and 1G0234, collectively the “Accounts”) with BLMIS. For each Account, Greenhall executed a Customer Agreement and a Trading Authorization Limited to Purchases and Sales of Securities and Options (“Trading Authorization”). In addition to the Customer Agreement and Trading Authorization, for Account Nos. 1G0109 and 1G0234, Greenhall also executed an Option Agreement (the Option Agreement, together with the Customer Agreement and Trading Authorization, are collectively referred to as the “Account Agreements”). The Account Agreements were delivered to BLMIS at BLMIS’s headquarters at 885 Third Avenue, New York, New York. At all times relevant hereto, NTC & Co. (“NTC”) was custodian of Account No. 1G0109.

53. The Account Agreements were performed in New York, New York through securities trading activities that took place in New York, New York. The Accounts were held in New York, New York, and Greenhall sent funds to BLMIS and/or to BLMIS's account at JPMorgan Chase & Co., Account #xxxxxxxxxxxx1703 (the "BLMIS Bank Account") in New York, New York for application to the Accounts and the purported conducting of trading activities.

*Transfer History as Relating to Account 1G0109 (NTC & Co. FBO Armand L. Greenhall)*

54. **Account No. 1G0109 (NTC & Co. FBO Armand L. Greenhall):** In September 1995, Greenhall directed NTC to open an Individual Retirement Account ("IRA") on his behalf, and to invest the IRA with BLMIS. As reflected in Exhibit B, over the life of Account No. 1G0109, \$265,398 was deposited into, and \$1,348,032 was withdrawn from, Account No. 1G0109. Also as reflected in Exhibit B, in September 2003, \$30,000 was transferred from Account No. 1G0109 to Account No. 1G0234. In May 2008, Sweeney notified NTC that Greenhall had died, and that the Co-Executors had been appointed co-executors of the Greenhall Estate. Thereafter, Sweeney instructed NTC to liquidate Account No. 1G0109. On or about July 9, 2008, consistent with instructions from NTC, BLMIS wired \$1,212,932 to a bank account held by the Greenhall Estate. Of that amount, \$1,112,634 consisted of fictitious profits received by the Greenhall Estate.

*Transfer History as Relating to Account 1G0234 (Armand L. Greenhall) and Transferor Accounts*

55. **Silvia May Account No. 101309:** In June 1983, Greenhall's mother, Silvia L. May, opened an account with BLMIS, labeled account no. 101309 (the "Silvia May Account"). Between June 1983 and June 1989, \$280,000 was deposited into, and \$323,918 was withdrawn from, the Silvia May Account. In August 1989, when the Silvia May Account contained no principal, BLMIS purportedly transferred \$280,000 from the Silvia May Account to Account No. 1G0071.

56. **Account 1G0071 (Armand L. Greenhall):** Greenhall opened Account No. 1G0071 in August 1989 with the purported \$280,000 inter-account transfer from the Silvia May Account, consisting entirely of fictitious profits. Thereafter, between August 1989 and March 1997, \$720,000 was deposited into, and \$877,723 was withdrawn from, Account No. 1G0071. In April 1997, when Account No. 1G0071 contained no principal, BLMIS purportedly transferred \$1,040,050 from Account No. 1G0071 to Account No. 1G0234.

57. **Account 1G0234 (Armand L. Greenhall):** Greenhall opened Account No. 1G0234 in April 1997 with the purported \$1,040,050 inter-account transfer from Account No. 1G0071, consisting entirely of fictitious profits. As reflected in Exhibit B, over the life of Account No. 1G0234, (i) no cash deposits were made into Account No. 1G0234; (ii) \$30,000 was transferred into Account No. 1G0234 from Account No. 1G0109; and (iii) \$4,239,893 was withdrawn from Account No. 1G0234. The total lifetime amount withdrawn in excess of principal was \$4,209,893. During the two years prior to the Filing Date, as reflected in Exhibit B, \$4,104,893 was withdrawn in excess of principal and received by Greenhall or the Greenhall Estate, as follows:

- a. Between January 2007 and April 2008, Greenhall withdrew \$110,000 from Account No. 1G0234. Greenhall deposited checks totaling this amount into a JPMorgan Chase Bank account held in his name.
- b. In May 2008, after Greenhall's death, the Co-Executors withdrew \$3,985,470 from Account No. 1G0234, and wired that sum into a Wachovia Securities bank account held by the Greenhall Estate (the "Greenhall Estate Wachovia Securities Account").
- c. In June 2008, the Co-Executors withdrew \$9,423 from Account No. 1G0234, and deposited a check in that sum into the Greenhall Estate Wachovia Securities Account.

*Summary of Two-Year Transfers to Greenhall and the Greenhall Estate*

58. During the two years prior to the Filing Date, BLMIS made transfers of fictitious profits from the Ponzi scheme to (i) Greenhall, from Account No. 1G0234, totaling \$110,000; and (ii) the Greenhall Estate, from Account Nos. 1G0109 and 1G0234, totaling \$5,107,527. In total, during the two years prior to the Filing Date, BLMIS made transfers (collectively, the “Transfers”) to Greenhall and the Greenhall Estate from Account Nos. 1G0109 and 1G0234 totaling \$5,217,527 in fictitious profits.

59. The Transfers received by Greenhall and the Greenhall Estate constitute non-existent profits supposedly earned in Account Nos. 1G0109 and 1G0234, but, in reality, they were other people’s money. The Transfers were made to Greenhall and the Greenhall Estate and are set forth in Column 10 on Exhibit B annexed hereto.

60. The Transfers are avoidable and recoverable under sections 548(a), 550(a)(1) and 551 of the Bankruptcy Code and applicable provisions of SIPA, particularly SIPA section 78fff-2(c)(3).

**SUBSEQUENT TRANSFERS TO DEFENDANT YAN**

*Chronology of Subsequent Transfers to Yan*

61. Defendants each produced to the Trustee a Greenhall Estate accounting covering the period from Greenhall's death on April 14, 2008 to June 30, 2010 (the "Greenhall Estate Accounting"). A copy of the Greenhall Estate Accounting accompanied by a draft "Agreement Settling Account of Executors Receipt and Release" (the "Co-Executors' Agreement"), produced by the Greenhall Estate and Sweeney, is attached hereto as Exhibit D. Greenhall's Will and the Co-Executors' Agreement each identify Yan as the residuary beneficiary of the Greenhall Estate.

62. In her capacity as co-executor of the Greenhall Estate, Sweeney subsequently transferred at least \$4,208,133 of the Transfers to Defendant Yan (the "Subsequent Transfers"). A chart setting forth the presently known Subsequent Transfers received by Yan is attached as Exhibit C. As reflected in Exhibit C, the presently known Subsequent Transfers were made to Yan between July 2008 and September 2014. Of the \$4,208,133 in Subsequent Transfers, \$1,388,990 was transferred within the time period covered by the Greenhall Estate Accounting, April 14, 2008 through June 30, 2010.

63. **Subsequent Transfers Between July 2008 and April 2010:** The schedule of distributions attached to the Greenhall Estate Accounting confirms that the amount of the Subsequent Transfers to Yan during the time period it covers was \$1,388,990. *See* Exhibit D at 10-05048\_DEF 0000033—10-05048\_DEF 0000034. The Greenhall Estate Accounting also reflects that a subsequent distribution of the residuary of the Greenhall Estate, of over \$2.5 million, had yet to be made as of the end of the period covered by the Greenhall Estate Accounting, June 30, 2010. *See id.* at 10-05048\_DEF 0000038.

64. **The September 14, 2010 Subsequent Transfer:** Following the time period covered by the Greenhall Estate Accounting, on or about September 13, 2010, Sweeney sent a

letter to Wells Fargo Advisors by facsimile requesting a transfer of \$300,000 from the Greenhall Estate to Yan. On or about September 14, 2010, consistent with Sweeney's instructions, \$300,000 was wired from the Greenhall Estate's bank account at Wells Fargo Advisors (the "Greenhall Estate Wells Fargo Account") to a bank account held by Yan at Bank of America.

65. **The January 4, 2011 Subsequent Transfer:** On or about December 29, 2010, Sweeney sent another letter to Wells Fargo Advisors by facsimile, requesting all but approximately \$200,000 of the funds in the Greenhall Estate Wells Fargo Account to be transferred to Yan. A copy of the letter is attached as Exhibit E. On or about January 4, 2011, consistent with Sweeney's instructions, \$2,503,043 was wired from the Greenhall Estate Wells Fargo Account to a bank account held by Yan at Wells Fargo Advisors. *See* Greenhall Estate Wells Fargo Account statement with bank account numbers redacted, attached as Exhibit F, at 10-05048\_DS\_0001264—10-05048\_DS\_0001265. Approximately \$200,000 was to be held in the Greenhall Estate Wells Fargo Account to cover the remainder of Sweeney's executor's commission and unforeseen expenses. *See* Exhibit E at 10-05048\_DS\_0001098.

66. **The September 17, 2014 Subsequent Transfer:** On or about September 17, 2014, Yan wrote an email to Sweeney, requesting a check for \$16,100 to cover taxes he owed to the United States and New York State taxing authorities, based on distributions received by Yan from the Greenhall Estate between April 14, 2008 and March 31, 2009. A copy of the email is attached as Exhibit G, at 10-05048\_DS\_0001107. On September 19, 2014, in accordance with Yan's request, Sweeney sent a letter to Yan enclosing a check from the Greenhall Estate in the amount of \$16,100, payable to Yan. A copy of the letter and enclosed check voucher are attached collectively as Exhibit G, at 10-05048\_DS\_0001105—10-05048\_DS\_0001106.

*Recoverability of Subsequent Transfers to Yan*

67. The Subsequent Transfers are recoverable from Defendant Yan under section 550(a) of the Bankruptcy Code, and applicable provisions of SIPA, particularly 15 U.S.C. § 78fff-2(c)(3).

68. Yan did not receive an executor's commission. The Subsequent Transfers to Yan constituted a gift or bequest of the Greenhall Estate residuary.

69. The Co-Executors were aware as early as December 11, 2008 that i) a large portion of Greenhall's assets were invested with BLMIS, ii) BLMIS's operations were fraudulent, and iii) the Transfers were avoidable by the Trustee. Yan subsequently took the Subsequent Transfers from the Greenhall Estate knowing these facts, after being put on notice by Sweeney.

70. Specifically, on December 17, 2008, Sweeney wrote to several Greenhall Estate beneficiaries, including Yan, “[o]n behalf of [her]self and Peng Yan as Executors,” advising them that payment of legacies from the Greenhall Estate would be “delayed,” as “[a] large portion of Mr. Greenhall’s assets were invested with [BLMIS],” and “Mr. Madoff was arrested last week in what is alleged to be an elaborate Ponzi scheme.” A copy of these letters is attached collectively as Exhibit I. Sweeney stated that, “considering the uncertainty surrounding this situation, the Executors feel that it would be imprudent to pay your legacy at this time.” *See Exhibit I.*

71. On August 13, 2009, Sweeney wrote to another of the Greenhall Estate legatees, with copy to Yan, stating that “at this time, the Executors [which included Yan] are [still] not in not in a position to pay the legacies under the Will because we do not know whether we will be

required to repay any or all of the funds withdrawn from Mr. Greenhall's accounts at [BLMIS] to the bankruptcy trustee." A copy of this letter is attached as Exhibit J.

72. On July 9, 2009, the Co-Executors both signed a United States Estate Tax Return for tax year 2008, on behalf of the Greenhall Estate, in which they reported "[u]nder penalties of perjury" "a possibility that one or more claims could be filed" against the Greenhall Estate in connection with withdrawals of funds from the Accounts. *See Exhibit H at 10-05048\_DS\_0000449, 10-05048\_DS\_0000461.*

73. On December 14, 2009, Sweeney submitted "protective claims" for refund of taxes paid by the Greenhall Estate to United States and New York State taxing authorities. A copy of the claims and related correspondence, with social security numbers, employer identification numbers and the Greenhall Estate's bank account number redacted, are attached collectively as Exhibit K. Sweeney wrote to the United States Department of the Treasury and the New York State Estate Tax Processing Center, copying Yan, "[o]n behalf of [her]self and Peng Yan," stating that the protective claims were "based on a currently unliquidated possible liability to Irving H. Picard, the Bankruptcy Trustee appointed in connection with the Bernard Madoff Ponzi scheme." *See Exhibit K at YAN PRODUCTION 000002, YAN PRODUCTION 000006. Sweeney sent a copy of these protective claims to Yan on December 14, 2009. See id. at YAN PRODUCTION 000001.*

74. As early as December 11, 2008, and no later than December 17, 2008, the Co-Executors were aware of BLMIS's fraud, and of the Greenhall Estate's possible liability to the Trustee for return of the Transfers.

75. Despite being aware that the Transfers held in the Greenhall Estate could be subject to avoidance by the Trustee, Yan chose to accept millions of dollars in distributions from the Greenhall Estate.

**COUNT ONE**

**FRAUDULENT TRANSFERS  
11 U.S.C. §§ 105(a), 548(a)(1)(A), 550(a) AND 551**

76. The Trustee incorporates by reference the allegations contained in the previous paragraphs of this Complaint as if fully rewritten herein.

77. Each of the Transfers was made on or within two years before the Filing Date.

78. Each of the Transfers constituted a transfer of an interest of BLMIS in property within the meaning of section 101(54) of the Bankruptcy Code and pursuant to section 78fff-2(c)(3) of SIPA.

79. Each of the Transfers was made by BLMIS with the actual intent to hinder, delay or defraud some or all of BLMIS's then existing and/or future creditors.

80. Each of the Transfers was made to Greenhall or the Greenhall Estate.

81. Each of the Transfers constitutes a fraudulent transfer avoidable by the Trustee pursuant to section 548(a)(1)(A) of the Bankruptcy Code and recoverable from Defendants pursuant to section 550(a) of the Bankruptcy Code and section 78fff-2(c)(3) of SIPA.

82. As a result of the foregoing, pursuant to sections 105(a), 548(a)(1)(A), 550(a), and 551 of the Bankruptcy Code and 15 U.S.C. § 78fff-2(c)(3), the Trustee is entitled to a judgment: (a) avoiding and preserving the Transfers, which total \$5,217,527; (b) directing that the Transfers be set aside; (c) recovering the Transfers, or the value thereof, from the Greenhall Estate for the benefit of the BLMIS estate; and (d) awarding any other relief the Court deems just and appropriate.

**COUNT TWO**

**RECOVERY OF SUBSEQUENT TRANSFERS  
11 U.S.C. §§ 105(a) AND 550(a)**

83. The Trustee incorporates by reference the allegations contained in the previous paragraphs of this Complaint as if fully rewritten herein.

84. Each of the Subsequent Transfers, which total at least \$4,208,133, is recoverable from Defendant Yan under section 550(a) of the Bankruptcy Code and 15 U.S.C. § 78fff-2(c)(3).

85. Defendant Yan is an immediate or mediate transferee of the Subsequent Transfers from the Greenhall Estate.

86. None of the Subsequent Transfers was taken by Defendant Yan in exchange for value.

87. Each of the Subsequent Transfers after December 2008 was received by Defendant Yan at a time when he had actual knowledge or was willfully blind to facts suggesting a high probability of fraud at BLMIS, and with knowledge of the voidability of the Transfers and possible liability to the Trustee.

88. As a result of the foregoing, pursuant to sections 105(a) and 550(a) of the Bankruptcy Code, and 15 U.S.C. § 78fff-2(c)(3), the Trustee is entitled to a judgment against Defendant Yan: (a) recovering the Subsequent Transfers, which total at least \$4,208,133, or the value thereof, from Defendant Yan for the benefit of the BLMIS estate; and (b) awarding any other relief as the Court deems appropriate.

89. The Trustee's discovery and investigation is ongoing and the Trustee reserves the right to: (i) supplement the information on the initial and subsequent transfers discussed above, and any additional transfers; and (ii) seek recovery of such transfers.

**WHEREFORE**, the Trustee respectfully requests that this Court enter judgment in favor

of the Trustee and against Defendants as follows:

- i. On the First Claim for Relief, pursuant to sections 105(a), 548(a)(1)(A), 550(a), and 551 of the Bankruptcy Code and section 78fff-2(c)(3) of SIPA, judgment: (a) avoiding and preserving the Transfers; (b) directing that the Transfers be set aside; (c) recovering the Transfers, or the value thereof, from the Greenhall Estate for the benefit of the BLMIS estate; and (d) awarding any other relief the Court deems just and appropriate;
- ii. On the Second Claim for Relief, pursuant to sections 105(a) and 550(a) of the Bankruptcy Code and section 78fff-2(c)(3) of SIPA, judgment: (a) recovering the Subsequent Transfers, or the value thereof, from Defendant Yan for the benefit of the BLMIS estate; and (b) awarding any other relief the Court deems just and appropriate;
- iii. On all Claims for Relief, impressing the Defendants' property, or the proceeds, product and offspring of such property, with an equitable lien and/or a constructive trust in favor of the Trustee for the benefit of the estate, to the extent that the Transfers or Subsequent Transfers were used, in whole or in part, to purchase, improve and/or maintain such property;
- iv. On all Claims for Relief, establishing a constructive trust over all Transfers and Subsequent Transfers and their proceeds, product and offspring in favor of the Trustee for the benefit of the estate;
- v. On all Claims for Relief, pursuant to federal common law and/or N.Y. CPLR 5001 and 5004, as applicable, awarding the Trustee prejudgment interest from the date on which the Transfers or Subsequent Transfers were received;
- vi. On all Claims for Relief, awarding the Trustee all applicable interest, costs and disbursements incurred in this proceeding; and

vii. Granting the Trustee such other, further, and different relief as the Court deems just, proper, and equitable.

Date: March 9, 2018  
New York, New York

Of Counsel:

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*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and the estate of Bernard L. Madoff*

BLMIS Account Name	BLMIS Account Number
NTC & CO. FBO ARMAND L GREENHALL <small>REDACTED</small>	1G0109
ARMAND L GREENHALL	1G0234

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11
		<u>Transaction Amount</u>						<u>90-Day</u>	<u>2-Year</u>	<u>6-Year</u>
<u>Date</u>	<u>Transaction Description</u>	<u>Reported in Customer Statement</u>	<u>Cash Deposits</u>	<u>Cash Withdrawals</u>	<u>Transfers of Principal In</u>	<u>Transfers of Principal Out</u>	<u>Balance of Principal</u>	<u>Preferential Transfers</u>	<u>Fraudulent Transfers</u>	<u>Fraudulent Conveyances</u>
10/26/1995	CHECK	265,398	265,398	-	-	-	265,398	-	-	-
9/9/2003	TRANS TO 1G023430	(30,000)	-	-	-	(30,000)	235,398	-	-	-
8/24/2005	CHECK	(17,000)	-	(17,000)	-	-	218,398	-	-	-
8/29/2006	CHECK	(42,000)	-	(42,000)	-	-	176,398	-	-	-
10/4/2007	CHECK	(46,100)	-	(46,100)	-	-	130,298	-	-	-
3/25/2008	CHECK	(30,000)	-	(30,000)	-	-	100,298	-	-	-
7/9/2008	CHECK WIRE	(1,212,932)	-	(1,212,932)	-	-	(1,112,634)	-	(1,112,634)	(1,112,634)
Total:		\$ 265,398	\$ (1,348,032)	\$ -	\$ (30,000)	\$ (1,112,634)	\$ -	\$ (1,112,634)	\$ (1,112,634)	\$ (1,112,634)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11
		<u>Transaction Amount</u>						<u>90-Day Preferential Transfers</u>	<u>2-Year Fraudulent Transfers</u>	<u>6-Year Fraudulent Conveyances</u>
<u>Date</u>	<u>Transaction Description</u>	<u>Reported in Customer Statement</u>	<u>Cash Deposits</u>	<u>Cash Withdrawals</u>	<u>Transfers of Principal In</u>	<u>Transfers of Principal Out</u>	<u>Balance of Principal</u>			
4/14/1997	TRANS FROM 1G007110	1,040,050 <sup>[1]</sup>	-	-	-	-	-	-	-	-
7/1/1997	CHECK	(40,000)	-	(40,000)	-	-	(40,000)	-	-	-
10/1/1997	CHECK	(40,000)	-	(40,000)	-	-	(80,000)	-	-	-
1/2/1998	CHECK	(40,000)	-	(40,000)	-	-	(120,000)	-	-	-
9/9/2003	TRANS FROM 1G010930	30,000	-	-	30,000	-	(90,000)	-	-	-
10/2/2006	CHECK	(15,000)	-	(15,000)	-	-	(105,000)	-	-	(15,000)
1/2/2007	CHECK	(15,000)	-	(15,000)	-	-	(120,000)	-	(15,000)	(15,000)
4/2/2007	CHECK	(15,000)	-	(15,000)	-	-	(135,000)	-	(15,000)	(15,000)
4/16/2007	CHECK	(20,000)	-	(20,000)	-	-	(155,000)	-	(20,000)	(20,000)
7/2/2007	CHECK	(15,000)	-	(15,000)	-	-	(170,000)	-	(15,000)	(15,000)
10/1/2007	CHECK	(15,000)	-	(15,000)	-	-	(185,000)	-	(15,000)	(15,000)
1/2/2008	CHECK	(15,000)	-	(15,000)	-	-	(200,000)	-	(15,000)	(15,000)
4/1/2008	CHECK	(15,000)	-	(15,000)	-	-	(215,000)	-	(15,000)	(15,000)
5/30/2008	CHECK WIRE	(3,985,470)	-	(3,985,470)	-	-	(4,200,470)	-	(3,985,470)	(3,985,470)
6/11/2008	CHECK	(9,423)	-	(9,423)	-	-	(4,209,893)	-	(9,423)	(9,423)
	Total:	\$ -	\$ (4,239,893)	\$ 30,000	\$ -	\$ (4,209,893)	\$ -	\$ (4,104,893)	\$ -	\$ (4,119,893)

<sup>[1]</sup> Although BLMIS statements reflect that funds were transferred into this account on this date, these funds consisted entirely of fictitious profits which were never achieved and thus no funds were actually transferred into the account on this date. Accordingly, the account balance has remained unchanged.

**Exhibit C**

**Subsequent Transfers from the Estate of Armand L. Greenhall  
to Defendant Peng Yan**

Full date range of  
currently known  
subsequent transfers  
from the Greenhall  
Estate to Defendant  
Peng Yan

Approximate Date	Amount
7/9/2008	\$3,823.01
7/10/2008	\$4,448.00
8/27/2008	\$7,000.00
8/27/2008	\$2,394.00
9/18/2008	\$1,325.00
12/5/2008	\$25,000.00
12/9/2008	\$800,000.00
3/18/2009	\$25,000.00
5/29/2009	\$25,000.00
7/31/2009	\$20,000.00
10/31/2009	\$25,000.00
12/28/2009	\$25,000.00
3/15/2010	\$25,000.00
4/6/2010	\$400,000.00
9/14/2010	\$300,000.00
1/4/2011	\$2,503,043.16
9/19/2014	\$16,100.00
<b>Total</b>	<b>\$4,208,133.17</b>

\$1,388,990.01  
within  
4/14/2008 -  
6/30/2010,  
the time period  
covered by the  
Greenhall Estate  
Accounting

STATE OF NEW YORK  
SURROGATE'S COURT: WESTCHESTER COUNTY

-----X

In the matter of the Settlement of  
The Final Account of Deidre A. Sweeney  
And Peng Yan  
As Executors of Last Will and Testament

**AGREEMENT SETTLING  
ACCOUNT OF  
EXECUTORS  
RECEIPT AND RELEASE**

Of

ARMAND L. GREENHALL,

File No. 2008 -1750

Deceased.

-----X

This Agreement made as of November , 2010 by and among following  
parties, TO WIT:

Deidre A. Sweeney and Peng Yan as Executors under the Will of Armand L.  
Greenhall, and Peng Yan as Residuary Beneficiary under said Will.

WHEREAS:

(a) Armand L. Greenhall died on **Redacted**, a resident of the City,  
County and State of New York, leaving a Will dated August 17, 2006 which was  
admitted to probate by the Surrogate's Court of New York County on November 19,  
2008. Letters Testamentary were issued to Deidre A. Sweeney and Peng Yan on  
that date.

(b) Pursuant to the terms of the Will, numerous legacies were bequeathed  
to various individuals and charitable institutions. These legacies have been paid with  
9% interest pursuant to an agreement with the Surrogate of New York County and  
Alex Straus one of the legatees. The residuary estate was bequeathed to Peng Yan.  
A copy of the Will is attached as Exhibit A.

(c) The Executors has concluded all estate tax proceedings related to the estate and have paid all estate taxes which may have been due.

(d) The Executors have prepared as Exhibit B, an account of the proceedings of the Executors for the period April 14, 2008 to June 30, 2010 in the form of cash sheets and other schedules (hereinafter referred to as the "Account").

(e) The parties acknowledge that a significant portion of the decedent's assets were invested with Bernard Madoff & Co. These funds were collected by the Executors in May and June of 2008 before it was discovered that the operation was fraudulent. The U. S. and New York Estate Tax Returns were filed on the basis that the taxable estate included all assets included the funds received from the decedent's Madoff accounts. To date, no communication has been received from the Bankruptcy Trustee with respect to the funds. Therefore, the accounting attached hereto calculates the Executor's commissions due Deidre A. Sweeney as Executor on the full amount of assets collected by the Executors.

(f) The parties are desirous of avoiding the cost and delay necessarily attendant upon a judicial proceeding to settle the account of proceedings of Deidre A. Sweeney and Peng Yan, as Executors. Accordingly, they have requested the Executors to forego their right to a judicial settlement at this time. They have examined this Agreement and the exhibits hereto (hereinafter collectively referred to as the "Account") and are satisfied that the Account is complete, correct and adequately represents the acts and proceedings of the Executors.

Therefore,

(1) Peng Yan, as the residuary Beneficiary of the Estate of Armand L. Greenhall does hereby, for and on behalf of himself, his personal representatives, heirs, successors and assigns:

(a) Approve the Account, waive his right to demand judicial settlement and agree that the Account shall be deemed settled by this Settlement Agreement, with the same effect as if settled judicially;

(b) Acknowledges receipt of all amounts of income and principal to which he may be entitled in full satisfaction of all his rights and interests as residuary beneficiary of the estate.

(c) Authorize and approve of the payment of \$28,859.58 as legal fees and disbursements of \$1,801.07, all of which has been paid to Messrs. McCanliss & Early for legal fees, and disbursements due to McCanliss & Early LLP for legal fees as attorneys for the Executors.

(d) Authorize and approve the payment to Deidre A. Sweeney, as Co -Executor of commissions in the amount of \$ 225,516.40 as shown by Schedule H.

(e) Represent that he has not assigned, released or encumbered his interests in the estate;

(f) Releases and discharges Deidre A. Sweeney, as Executor and her successors and assigns from any and all liability or further accountability whatsoever in connection with or arising from any matters in connection with the Decedent's estate or the administration and distribution thereof for the period April

14, 2010 to June 30, 2010, including any and all claims which may arise subsequent to the date of this Settlement Agreement with respect to the funds received from the decedent's accounts held at Bernard L. Madoff Inc., any of its subsidiaries, successors in interest and assigns; and

(g) Agrees to indemnify and hold harmless Deidre A. Sweeney and individually and as Executor, and her successors and assigns from any and all claims and liabilities which they may incur at any time by reason of anything connected with the Decedent's estate or the administration thereof including any and all claims which may arise subsequent to the date of this Settlement Agreement with respect to the funds received from the decedent's accounts held at Bernard L. Madoff Inc, any of its subsidiaries, successors in interest and assigns; and;

(h) Waive the issuance and service of a citation or other process in any proceeding brought for the judicial settlement of this Account and consent to the entry of a judgment or decree judicially settling the same without further notice to them.

(3) Deidre A. Sweeney and Peng Yan, as Executors, hereby agree to forego at this time their right to be discharged in a proceeding for the judicial settlement of the final account.

(4) This Agreement may be executed in counterparts.

Dated: New York, New York  
November , 2010

\_\_\_\_\_  
Deidre A. Sweeney

\_\_\_\_\_  
Peng Yan

State of New York )  
County of New York) )ss.:

On the \_\_\_\_\_ day of November in the year 2010 before me, the undersigned, personally appeared **Deidre A. Sweeney**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the City, County and State of New York.

Signature and Office of individual taking acknowledgment

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )ss.: \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2010 before me,  
the undersigned, personally appeared **Peng Yan**, personally known to me or proved  
to me on the basis of satisfactory evidence to be the individual whose name is  
subscribed to the within instrument and acknowledged to me that he executed the  
same in his capacity, and that by his signature on the instrument, the individual, or  
the person upon behalf of which the individual acted, executed the instrument, and  
that such individual made such appearance before the undersigned in  
\_\_\_\_\_  
*(insert the city or other political subdivision and the  
state or country or other place the acknowledgment was taken).*

---

Signature and office of individual taking acknowledgment

STATE OF NEW YORK  
SURROGATE'S COURT : COUNTY OF NEW YORK

-----X  
Accounting of File No. 2008 - 1750  
DEIDRE A. SWEENEY and PENG YAN,  
As Executors of the Estate of  
ARMAND L. GREENHALL  
Deceased :  
-----X

TO THE SURROGATE'S COURT OF THE COUNTY OF KINGS:

The undersigned does hereby render the account of proceedings as follows:

Period of account from April 14, 2008 to June 30, 2010.

This is a final account.

**SCHEDULE A**

Statement of Principal Received

**SCHEDULE A-1**

Statement of Increases on Sales, Liquidation or Distribution

**SCHEDULE A-2**

Statement of All Income Collected

**SCHEDULE B**

Statement of Decreases Due to Sales, Liquidation, Collection, Distribution or  
Uncollectability

**SCHEDULE C**

Statement of Funeral and Administration Expenses

**SCHEDULE C-1**

Statement of Unpaid Administration Expenses

**SCHEDULE D**

Statement of All Creditors' Claims

**SCHEDULE E**

Statement of Distributions of Principal

**SCHEDULE F**

Statement of New Investments, Exchanges and Stock Distributions

**SCHEDULE G**

Statement of Principal Remaining on Hand

**SCHEDULE H**

Statement of Interested Parties

**SCHEDULE I**

Statement of Estate Taxes Paid and Allocation Thereof

**SCHEDULE J**

Statement of Computation of Commissions

**SCHEDULE K**

Statement of Other Pertinent Facts and of Cash Reconciliation

THE FOLLOWING IS A SUMMARY STATEMENT OF THIS ACCOUNT:

PRINCIPAL ACCOUNT

CHARGES:

Amount shown by Schedule "A" (Principal Received)	\$ 9,688,246.48
Amount shown by Schedule "A-1" (Realized Increases on Principal)	65,756.73
Amount shown by Schedule "A-2" (Income Collected)	<u>89,881.55</u>
Total Charges	\$ 9,843,884.76

CREDITS:

Amount shown by Schedule "B" (Realized Decreases on Principal)	536,097.67
Amount shown by Schedule "C" (Funeral and Administration Expenses)	3,541,455.93
Amount shown by Schedule "D" (Creditors' Claims actually paid)	89,078.80
Amount shown by Schedule "E" (Distributions of Principal)	<u>2,512,708.43</u>
Total Credits	<u>6,679,340.83</u>
Balance on Hand shown by Schedule "F"	\$ <u>3,164,511.61</u>

SCHEDULE A

Statement of Principal Received 4/14/08

Wachovia A/C # [Redacted] 0942

1	Blackrock NY Insd.	\$ 25,000.00
1000	Barrick Gold Corp.	42,930.00
3300	Blackrock NY Ins.	44,715.00
4000	Eaton Vance NY	53,520.00
1000	T.T. Wnhanced Equity	14,360.00
1000	General Motors @ 5.25%	16,300.00
84	Idearc	319.20
1000	Ingram Micro	15,930.00
1000	Magellan Midstream Prlns	42,390.00
500	Merck & Co.	20,575.00
1000	JP Morgan Chase @ 6.25%	23,200.00
1000	Motorola Inc.	9,000.00
2000	National Semiconductor	39,360.00
1093	Vodafone Group	32,746.28
1000	Xerox	14,660.00
20000	FHLMC Step @ 4% 5/15/18	19,540.40
15000	Green Brier @ 2.375% 5/15/26	12,225.00
5000	NY HSG HSP @ 7% 11/1/17	5,854.05
2000	NY ST MTG @ 5.3% 4/1/29	20,279.80
1000	Trinity @ 3.875% 6/1/36	9,237.50
	Money Market	<u>49,823.93</u>
		511,966.16

Wachovia A/C [Redacted] 0967

200	Boeing Co.	15,431.00
100	CBS Corp. CIB	2,111.50
200	Caterpillar Inc.	15,072.00
300	CullenFrost Bankers	15,567.00
300	Dow Chemical Co.	11,442.00

Schedule A

-1-

Schedule A (Cont'd)

45	DuPont EL Demours	2,205.00
150	Exxon Mobil	13,388.25
200	Honeywell International	11,318.00
75	1 Shares Dow Jones	7,132.50
100	1 Shares Inv. Gr Bond	10,532.00
65	1 Shares Lehman 1-3 Yr	5,453.50
200	Kellogg Co.	10,435.00
300	Eli Lilly	15,546.00
10	Merck & Co.	411.50
160	J.P. Morgan Chase	6,716.80
300	Nucor Corp.	20,490.00
600	Qualcomm Inc.	24,852.00
100	Viacom	3,938.00
2	Boeing Call June 85	<590.00>
3	Cullen Frosr Call July 55	<1,200.00>
3	Nucor Corp Call July 80	<960.00>
	Money Market	<u>43,609.84</u>
		232,901.89

Securities in Safe Deposit Box		
6,927	AT&T	259,069.80
10,000	Coca Cola Co.	607,500.00
1,000	Enbridge Energy	49,300.00
1460	Energy East Corp.	35,609.40
748	General Electric	23,995.84
5,000	MS Municipal Premium	41,650.00
3,000	Plum Creek Timber Co.	120,180.00
852	Quest Communications	3,919.20
1,000	Southern Co.	36,240.00

Schedule A  
-2-

Schedule A (Cont'd)

3496	Trust Co. Bank Corp.	30,624.96
5296	VKM Advantage Income	63,499.04
1696	Verizon Communications	60,326.72
1000	Westmasset Emmtk.	12,870.00
15,000	Wstrn Asst. Hun.	<u>116,700.00</u>
		1,461,484.96
	<u>Ameritrade</u>	
1333	Alliance Berstein	10,983.92
1,000	AT&T	37,400.00
1,000	Agree Realty Corp.	26,310.00
1,000	Coca Cola	23,520.00
1,000	Tivo Inc.	8,940.00
2,000	Time Warner	28,420.00
	Cash	<u>13,860.08</u>
		149,434.00
33	JP Morgan Chase Checking	73,790.84
	Fairpoint	252.29
	Apartment	2,010,000.00
	Life Insurance	30,000.00
	Treasury	20,000.00
5/30	Wire Trans Chas B Madoff	<u>3,985,470.45</u>
	Total	6,119,513.58
	IRA	8,475,300.59
	Bernard Medoff Brkc Acct.	1,212,931.72
	Fisher V. Balance	<u>14.17</u>
		<u>1,212,945.89</u>
		\$9,688,246.48
	TOTAL SCHEDELE A	<u>\$9,688,246.48</u>

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SCHEDULE A - 1

STATEMENT OF INCREASES IN PRINCIPAL

			<u>COST</u>	<u>PROCEEDS</u>	<u>GAIN</u>
<b>2008</b>					
06/06	6927 shs.	AT&T	\$ 259,069.80	\$ 266,016.67	\$ 6,946.87
11/06	\$25,000.00	Blackrock NY INSD Muni	25,000.00	25,000.00	-0-
11/14	2 shs.	Boeing Co.	590.00	590.00	-0-
11/06	200 shs.	Caterpillar Inc.	15,072.00	16,098.90	1,026.90
11/14	3 shs.	Cullen Frost Bankers	1,200.00	1,200.00	-0-
06/06	300 shs.	Cullen Frost Bankers	15,567.00	15,982.70	415.70
11/04	300 shs.	Dow Chemical Co.	11,442.00	11,525.82	83.82
06	4000 shs.	Eaton Vance NY	53,520.00	54,538.75	1,018.75
06	1000 shs.	Enbridge Energy	49,300.00	50,838.21	1,538.21
06	1460 shs.	Energy East Corp.	35,609.40	38,700.59	3,091.19
06	1000 shs.	First Trust Unhanced Equity	14,360.00	14,726.45	366.45
06	75 shs.	1 Shares Dow J NS	7,132.50	7,454.20	321.70
06	2000 shs.	National Semiconductor	39,360.00	47,754.70	8,394.70
06	300 shs.	Nucor	20,490.00	23,350.36	2,860.36
	3000 shs.	Plum CRKTMBER Co.	120,180.00	139,913.75	19,733.75
	600 shs.	Qualcomm Inc.	24,852.00	28,378.35	3,526.35
	2000 shs.	Time Warner	28,420.00	29,139.22	719.22

Schedule A - 1

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Schedule A-1 (cont'd)

			<u>COST</u>	<u>PROCEEDS</u>	<u>GAIN</u>
		\$10,000.00	Trinity @ 3.875% due 6/1/36	9,237.50	9,947.50
06	5296 shs.	VKM Advantage Income	63,499.04	63,709.71	210.67
	1696 shs.	Verizon Communication	60,326.72	64,155.06	3,828.34
	1093 shs.	Vodafone Group	32,746.28	34,219.74	1,473.46
	1000 shs.	Western Assets Emmkt	12,870.00	13,175.55	305.55
	15000	Western Assets MUN	116,700.00	117,966.61	1,266.61
/14/09	33 shs.	Fairpoint	-0-	94.38	94.38
06	1000 shs.	Ingram Micro	15,930.00	18,366.17	2,436.17
		Total	<u>1,032,474.24</u>	<u>1,092,843.39</u>	<u>60,369.15</u>
05/26/10		World ComVictim Trust	-0-	102.89	102.89
05/26/10		World ComVictim Settlement Fd	-0-	44.74	44.74
04/18/08		Nucor 3	1,110.00	1,199.99	89.99
04/21		DuPont	-0-	4,749.97	4,749.97
04/23/06		Boeing	<u>-0-</u>	<u>399.99</u>	<u>399.99</u>
		TOTAL SCHEDULE A-1	<u>\$1,033,584.24</u>	<u>\$1,099,340.97</u>	<u>\$65,756.73</u>

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SCHEUDLE A-2

Statement Of Income Collected

2008		
<u>DIVIDENDS</u>		
	AT&T	
05/01		2,770.80
05/01		<u>400.00</u>
		3,170.80
	ALLIANCE BERSTEIN	
05/01		66.65
06/20		<u>66.65</u>
		133.30
	BARRICK GOLDCORP	
06/16		<u>200.00</u>
		200.00
	BOEING CO.	
06/06		<u>80.00</u>
		80.00
	CBS CORP.	
07/01		<u>27.00</u>
	CATERPILLAR INC.	
05/20		<u>72.00</u>
		72.00
	COCA COLA	
06/26		<u>70.00</u>
		70.00
	CULLEN FROST BANKERS	
06/13		<u>126.00</u>
		126.00
	DOW CHEMICAL CO.	
04/30		<u>126.00</u>
		126.00
	DUPONT EL DENEMOURS	
06/12		<u>18.45</u>
		18.45
	EATON VANCE NY	
05/19		236.32
04/17		236.32
06/17		<u>236.32</u>
		708.96
	ENERGY EAST CORP.	
05/15		<u>452.60</u>
		452.60

Schedule A-2

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Schedule A-2 (cont'd)

	EXXON MOBIL	
<u>06/10</u>		<u>60.00</u>
		60.00
	HONEYWELL INT'L	
<u>06/10</u>		<u>55.00</u>
		55.00
	1 SHARES INV GR	
<u>05/07</u>		<u>46.26</u>
<u>06/06</u>		<u>47.32</u>
		93.58
	1 SHARES LEHMAN	
<u>05/07</u>		<u>10.50</u>
<u>06/06</u>		<u>14.48</u>
		24.98
	KELLOGG CO.	
<u>06/17</u>		<u>62.00</u>
		62.00
	ELI LILLY	
<u>06/10</u>		<u>141.00</u>
		141.00
	MERCK & CO.	
<u>07/01</u>		<u>193.80</u>
		193.80
	JP MORGAN CHASE	
<u>04/30</u>		<u>60.80</u>
		60.80
	M.S. MUNICIPAL PREMIUM	
<u>06/19</u>		<u>187.50</u>
		187.50
	MOTOROLA INC.	
<u>04/15</u>		<u>50.00</u>
		50.00
	NUCOR	
<u>05/09</u>		<u>156.00</u>
		156.00
	QUALCOMM INC.	
<u>06/27</u>		<u>96.00</u>
		96.00

Schedule A-2  
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Schedule A-2 (cont'd)

	Q WEST COMM	
06/19		<u>68.16</u>
	TIME WARNER	
06/16		<u>125.00</u>
	TRUST CO. BANK CORP.	
07/01		<u>384.56</u>
	VERIZON COMM	
05/01		<u>774.83</u>
	VODAFONE GP	
08/01		<u>1,095.42</u>
	XEROX	
04/30		<u>42.50</u>
	AMERITRADE MM	
05/30		20.64
06/10		9.87
06/30		<u>.04</u>
		30.55
	WACHOVIA MM 942	
04/30		42.50
05/30		44.30
06/24		<u>1.02</u>
		87.82
	WACHOVIA MM 969	
04/30		34.70
05/30		37.61
06/17		<u>.81</u>
		73.12
	FAIRPOINT	
07/18		8.50
01/16/09		<u>8.50</u>
		17.00
	MADOFF US MM	
07/09		<u>24.72</u>
		24.72

Schedule A-2

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Schedule A-2 (cont'd)

BLACKROCK NY INSD  
MUNI

04/18		14.06
04/25		14.68
05/02		17.23
05/09		18.91
05/16		16.94
05/23		13.58
05/30		12.41
06/06		11.90
06/13		12.26
06/20		12.68
06/27		12.05
07/07		17.59
07/11		6.95
07/18		12.79
07/25		11.78
08/01		17.16
08/08		15.99
08/15		12.78
08/22		12.68
08/29		12.52
09/30		74.03
10/03		58.79
10/10		41.63
10/17		34.32
10/24		24.39
10/31		15.85
11/07	<u>14.38</u>	<u>540.33</u>

BLACKROCK NY INSD  
MUNI

05/01		<u>191.40</u>	<u>191.40</u>
06/19	PLUM CREEK		1260.00
06/19	VAN KAMDEN		315.11
06/19	LEGG MASON		525.00
06/19	Q UEST		68.16
06/19	MORGAN STANLEY		187.50
06/23	WACHOVIA SECURITY		<u>420.00</u>
	LBX DEPO		

Schedule A-2 Dividends 12,596.95

Schedule A-2

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Schedule A-2 (cont'd)

INTEREST			
	FREDDIE MAC @ 4%		
05/15		425.00	
06/06		<u>56.67</u>	481.67
	GREEN BRIER @ 2.375%		
05/15		178.13	
06/06		<u>25.73</u>	203.86
	JP MORGAN CHASE @ 6.25%		
04/15		<u>390.63</u>	390.63
	NY HSG HSP @ 7%		
05/01		175.00	
06/06		<u>38.89</u>	213.89
	NYS MTG @ 5.3%		
06/06		<u>206.11</u>	206.11
	TRINITY @ 3.875%		
06/02		193.75	
06/06		<u>10.76</u>	204.51
	WACHOVIA BK DEPOSIT SWEEP		
06/25		2.66	
06/30		6,120.82	
07/31		6,082.96	
08/29		2,383.28	
09/30		909.93	
10/31		1,122.21	
11/28		1,932.43	
12/31		1,432.76	
01/30/09		208.92	
02/27		80.44	
03/31		<u>160.38</u>	20,436.79

Schedule A-2  
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Schedule A-2 (cont'd)

INTEREST	
	CHASE CHECKING
04/30	3.20
05/30	2.63
06/30	1.69
07/30	1.69
08/29	1.58
9	.0-
10	.0-
11	.0-
12/08	.19
01/02/09	7.29
02/11	.03
03/11	<u>.03</u>
	18.33
	CHASE SWEEP
05/01	98.13
06/02	118.73
07/01	88.70
08/01	92.22
09	.0-
10	.0-
11	.0-
12/08	33.29
01/02/09	58.01
02/11	38.44
03/11	<u>34.45</u>
	561.97
2008	U.S. TREASURY BILLS
08/21	459.52
08/14	370.38
09/11	587.72
08/28	375.71
09/18	599.62
09/25	1,075.49
10/09	1,274.96
10/23	1,744.56
10/30	776.53
11/13	1,978.43
11/20	1,074.19
11/28	952.00

Schedule A-2

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Schedule A-2 (cont'd)

12/23			2,790.59
12/23			1,422.86
12/23			1,879.28
12/26			1,307.50
12/18			1,095.96
02/12/09			903.83
02/19/09			<u>250.40</u>
			20,919.53
08/18	100,000	FIRST BANK	257.67
10/14	100,000	WACHOVIA BANK	754.79
10/16	100,000	BANCOR SAVINGS BANK	693.15
10/23	100,000	BANCORP	680.55
10/27	100,000	WACHOVIA BANK	695.34
10/27	100,000	COLONIAL BANK	695.34
10/20	100,000	TRI STATE CAP BANK	695.34
11/06	100,000	BANK OF OKLAHOMA	667.95
11/06	100,000	GE CAPITAL FINL	642.74
11/10	100,000	M&I BANK	685.62
11/20	100,000	GE CAPITAL FINL	604.93
11/24	100,000	GREYSTONE BANK	203.84
11/28	100,000	TOMATO BANK	611.51
12/23	100,000	GREYSTONE BANK	197.26
12/29	100,000	STATE STREET BANK	560.96
12/31	100,000	INTEGRA BANK	384.38
01/15/09	100,000	BK OF AMER CHARLOTTE	604.93
01/15/09	100,000	GOLDMAN SACHS	604.93
01/30	100,000	COLUMBUS BK & TR	604.93
01/30	100,000	BANCORP BK	617.53
01/22	100,000	BRANCH BK & TR	617.53
02/03	100,000	GRAND BK & TR	604.93
02/04	100,000	BANK OF INDIA	651.10
02/20	100,000	ISRAEL & DISC BK	1,436.71
02/24	100,000	FIRST UTD BK	504.11
02/26	100,000	AMERICAN EXPRESS BK	504.11
02/26	100,000	AMERICAN EXPRESS BK	504.11
02/26	100,000	BEAL BANK SSB	516.71
02/27	100,000	GMAC BANK	<u>523.26</u>
		Total Interest	60,963.55

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Schedule A-2 (cont'd)

2008	<u>OTHER INCOME</u>	
	TRANSAMERICA LIFE INC.	
05/01		150.64
06/02		150.64
07/01		150.64
08/01		150.64
09		
10		
11		
12/01		150.64
01/02/09		150.64
02/12/09		<u>150.64</u>
		1,054.48
05/15/08	MAGELLAN MIDSTREAM PARTNERSHIP DIST.	672.50
05/01	WESTPOINT STEVEN PENSION	158.43
07/11	PHOENIX INS.	100.75
06/03	TERM ASSET INV. CONS FEE	313.55
08/02	GLOBAL SECURITIES LITIGATION	271.52
	CHASE CARD SERVICE	40.80
	MARSH CONSUMER	.94.38
	PHOENIX INS.	17.28
08/01	VERIZON REFUND	45.55
09/17	US TREASURY REFUND	54.75
09/17	NYS INCOME TAX REFUND	29.27
10/09	TIME WARNER REFUND	74.90
10/17	BLACKROCK ENERGY PARTNERS	950.00
10/27	EMPIRE BLUECROSS REFUND	449.47
02/02	VERIZON REFUND	48.73
03/19	CITY OF NY PROPERTY REBATED	400.00
	Total Other	4,776.36

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Schedule A-2 (cont'd)

CHASE CHECKING

04/10/09	.04
05/12	.04
06/10	.03
07/10	.04
08/12	.04
09/10	.04
10/13	.04
11/12	.04
12/10	.03
01/13/10	.04
02/10	.03
03/10	.03
04/30-06-30	<u>.15</u>
	0.59

CHASE INV. SWEEP

04/10/09	30.96
05/12	32.80
06/10	44.60
07/10	30.76
08/12	33.83
09/11	32.80
11/12	25.62
12/10	17.41
01/13/10	34.84
02/16/10	14.33
03/10	14.33
04/30	17.91
05/30	33.95
06/30	<u>16.40</u>
	380.54

BANK DEPOSIT SWEEPS  
WACHOVIA

04/30/09	121.01
05/29	69.05
06/30	57.96
07/31	59.32
08/31	60.08
09/30	61.61
10/30	63.18
11/30	60.76
12/31	62.60

Schedule A-2 (cont'd)

01/29/10	WELLS FARGO	35.85
02/26		42.13
03/25		46.57
04/30		32.77
05/30		30.93
06/30		<u>29.94</u>
		<u>833.76</u>
	Total Interest	1,214.89

OTHER INCOME

04/17/09	VIRTUS INVESTMENT PARTNERS	2.18
12/14/09	MIRANT CORP.	<u>50.00</u>
	Total other	52.18

SUMMARY

Total Interest	1,214.89
Total Other	<u>52.18</u>
Total Schedule A-2	1,267.07

IRA

12/17/08	CD CAPMARK BANK	610.82
12/19/08	CD LUANA SVGS BANK	560.96
01/15/09	CD BANK OF AMERICA	604.93
	CD GOLDMAN SACHS	604.93
01/22/09	CD BRANCH BK & TR	617.53
02/05/09	CD BANCORP BANK	271.78
02/10/09	BEAL SSB BANK	280.27
03/10/09	CD AMERICA EXPRESS	419.18
	CD ISREAL BANK	<u>419.18</u>
		4,389.58
	CD MORGAN STANLEY	
01/26/09		265.41
02/26/09		265.41
03/26/09		<u>239.73</u>
		770.55

Schedule A-2  
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Schedule A-2 (cont'd)

10/16/08	UST BILL	270.23
12/18/08	UST BILL	874.46
BANK DEPOSIT		
WACHOVIA		
03/29/08		598.19
09/30/08		989.85
10/31/08		663.87
11/28/08		536.62
12/31/08		213.31
01/30/09		52.47
02/27/09		55.03
03/31/09		<u>80.49</u>
		3,189.83
FISERV		
07/31/08		<u>243.97</u>
		243.97
BANK DEPOSIT		
04/30/09		80.38
05/29/09		47.23
06/30/09		40.20
07/31/09		41.54
08/30/09		41.54
09/30/09		40.20
10/30/09		41.54
11/30/09		40.20
12/30/09		41.54
01/30/10		24.12
02/26/10		18.76
03/31/10		20.77
04/30/10		20.11
05/28/10		20.77
06/30/10		<u>20.10</u>
		539.00
Total Schedule A-2		10,277.62

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Schedule A-2 (cont'd)

SUMMARY

TOTAL DIVIDENDS	12,596.95
TOTAL INTEREST	72,456.06
TOTAL OTHER	<u>4,828.54</u>
TOTAL SCHEDULE A-1	<u>\$89,881.55</u>

Schedule A-2  
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SCHEDULE BSTATEMENT OF DECREASES IN PRINCIPAL

			<u>COST</u>	<u>PROCEEDS</u>	<u>LOSS</u>
<u>2008</u>					
06/25	1000	AT&T	\$37,400.00	\$34,640.39	\$ 2,759.61
06/25	1000	Agree Realty Corp.	26,310.00	22,749.35	3,560.65
06/25	1333	Alliance Bernstein	10,983.92	10,514.73	469.19
06/06	1000	Barrick Gold Corp.	42,930.00	41,147.10	1,782.90
06/06	3300	Blackrock NY Ins. Muni	44,715.00	44,189.30	525.70
06/06	200	Boeing	15,431.00	14,818.41	612.59
06/06	100	CBS Corp.	2,111.50	2,085.48	26.02
06/06	10000	Coca Cola Co.	607,500.00	560,302.62	47,197.38
06/06	1000	Coca Cola Co.	23,520.00	17,243.62	6,276.38
06/06	45	DuPont El Denemours	2,205.00	1,992.26	212.74
06/06	150	Exxon Mobil	13,388.25	13,143.25	245.00
06/06	20000	Freddie Mac @4% due 5/15/18	19,540.40	19,412.50	127.90
06/06	1000	General Motors @ 5.25%	16,300.00	15,644.67	655.33
06/06	748	General Electric	23,995.84	22,288.55	1,707.29
06/06	15000	Green Brier @ 2.375%	12,225.00	11,647.50	577.50

Schedule B  
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Schedule B (cont'd)

			<u>COST</u>	<u>PROCEEDS</u>	<u>LOSS</u>
<u>2008</u>					
06/06	200	Honeywell Int'l	11,318.00	10,815.31	502.69
06/06	100	1 Shares Inv. Gr. Bond	10,532.00	10,205.20	326.80
06/06	84	Idearc	319.20	287.33	31.87
06/06	65	1 Shares Lehman 1-3 Yr	5,453.50	5,272.26	181.24
06/06	200	Kellogg Co.	10,435.00	9,994.88	440.12
06/06	300	Eli Lilly	15,546.00	14,385.87	1,160.13
06/06	1000	Magellan Midstream Prtns	42,390.00	38,344.39	4,045.61
06/06	510	Merck & Co.	20,986.50	19,057.20	1,929.30
06/06	1000	JP Morgan Chase @ 6.25%	23,200.00	22,791.57	408.43
06/06	160	JP Morgan Chase	6,716.80	6,337.24	379.56
06/06	5000	M.S. Municipal Premium	41,650.00	40,901.17	748.83
06/06	1000	Motorola Inc.	9,000.00	8,727.78	272.22
06/06	5000	NY HSG Hsp. @ 7% due 11/1/17	5,854.05	5,601.65	252.40
06/06	20000	NY ST MTG @ 5.3% due 4/1/29	20,279.80	19,292.50	987.30
06/06	852	Q West Communications	3,919.20	3,889.90	29.30
06/06	1000	Southern Co.	36,240.00	34,916.44	1,323.56

Schedule B  
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Schedule B (cont'd)

			<u>COST</u>	<u>PROCEEDS</u>	<u>LOSS</u>
<u>2008</u>					
06/06	1000	Tivo Inc.	8,940.00	6,331.43	2,608.57
06/06	3496	Trust Co. Bank Corp.	30,624.96	26,928.10	3,696.86
06/06	100	Viacom	3,938.00	3,374.70	563.30
06/06	1000	Xerox	<u>14,660.00</u>	<u>12,970.05</u>	<u>1,689.95</u>
		Total Schedule B	1,220,558.92	1,132,244.70	88,314.22
02/11/10		Sale of Apartment	<u>2,010,000.00</u>	<u>1,562,216.55</u>	<u>447,783.45</u>
		TOTAL SCHEDULE B	<u>3,230,558.92</u>	<u>2,694,461.25</u>	<u>536,097.67</u>

Schedule B  
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SCHEDULE C

STATEMENT OF FUNERAL & ADMINISTRATION EXPENSES

05/19/08	Con Edison	81.84
05/27/08	Time Warner	105.72
06/04/08	Verizon	41.04
06/05/08	AARP Health Care	24.00
06/09/08	West End Maint. Fee	2,257.40
06/18/09	Con Edison	60.86
06/27/08	Time Warner	105.72
06/12/08	Plaza Jewish Community Chapel	17,870.20
06/24/08	Pension Benefit Guaranty	158.43
06/05/08	NGL GP LLC	237.00
07/24/08	685 West End Owner	250.00
07/08/08	Time Moving	922.00
07/09/08	Doyle NY - Appraisal of Tangibles	750.00
07/08/09	RT Hunt & Assn. - Appraisal of Apartment	750.00
07/07/09	West End Maint. Fee	2,257.40
07/07/08	Verizon	39.53
07/07/08	AARP Health Care	24.00
07/18/08	Con Edison	32.32
07/28/08	Time Warner	105.73
06/16/08	Barrick Gold Foreign Tax	30.00
08/06/08	Exp Del Fee	18.95
08/08/08	TVR Communications	9.25
08/05/08	Verizon	44.01
01/23/09	Con Edison	30.82
01/02/09	West End Owners	2,029.22
04/17	US Treasury Tax	50,000.00
04/17	NY Income Tax	35,000.00
04/21	Con Edison	32.80
05/12	West End Owners	2,029.22
06/19	Con Edison	32.95
05/20	Con Edison	31.97

Schedule C

-1-

Schedule C (cont'd.)

06/18	West End Owners	1,868.12
07/07	West End Owners	2,029.22
07/21	Con Edison	35.71
08/05	West End Owners	2,029.22
08/19	Con Edison	33.01
09/03	West End Owners	2,029.22
10/29	West End Owners	2,029.22
11/04	Dimitriy Pravenov (Cleaning Apt.)	250.00
11/03	West End Owners	2,029.22
09/18	Con Edison	32.14
10/21	Con Edison	36.30
11/19	Con Edison	39.31
12/03	West End Owners	2,029.22
01/05/10	West End Owners Jan/Feb	4,383.12
02/21/09	Con Edison	36.91
01/21/10	Con Edison	35.99
02/19/10	Con Edison	40.04
07/15/09	McCanliss & Early	25,000.00
08/17/09	UST Tax Refund	<121,951.66>
09/02/09	NYS Estate Tax Refund	<43,944.54> <32,743.25>
08/05/08	West End Ave. Maint. Fee	2,257.40
08/05/08	AARP Health Care	24.00
08/27/08	Con Edison	45.12
08/27/08	Time Warner	105.73
01/25/08	Robins & Assn LLPP – Prep. Of 2007 Income Tax	2,175.00
12/04/08	McCanliss & Early – Disbursements	1,511.10
12/22/08	Bekerman & Reddy	900.00
12/05/08	West End Ave. Maint. Fee	2,257.40
12/05/08	AARP Health	24.00

Schedule C

-2-

Schedule C (cont'd.)

12/18/08	Con Edison	34.64
01/15/09	AARP Health	25.15.
01/21/09	Con Edison	30.74
01/05/09	NYS Commissioner of Taxes - NY Estate Tax	882,000.00
01/05/09	West End Owners	4,514.80
01/06/09	US Treasury - US Estate Tax	2,650,000.00
12/20/09	Con Edison	39.23
03/10/09	West End Owners	2,029.22
03/20/09	Wachovia Fee	25.25
04/16/10	Wachovia Fee	25.00
	Schedule C 3/30/09	3,574,199.18
	Schedule C 3/30/10	<u>&lt;32,743.25&gt;</u>
	TOTAL SCHEDULE C	<u>\$3,541,455.93</u>

SCHEDULE C -1

STATEMENT OF UNPAID ADMINISTRATION EXPENSES

Deidre A. Sweeney      Executor's Commission      \$ 175,516.40

Schedule C-1      \$ 175,516.40

Schedule C-1

SCHEDULE E

STATEMENT OF DISTRIBUTIONS

07/09/08	Peng Yan	\$ 3,823.01
07/10/08	Peng Yan	4,448.00
08/27/08	Peng Yan	7,000.00
08/27/08	Peng Yan	2,394.00
09/18/08	Peng Yan	1,325.00
12/05/08	Peng Yan	25,000.00
12/09/08	Peng Yan	800,000.00
03/18/09	Peng Yan	25,000.00
05/29/09	Peng Yan	25,000.00
07/31	Peng Yan	20,000.00
10/31	Peng Yan	25,000.00
12/28/09	Peng Yan	25,000.00
03/31/10	Paul Straus	8,141.04
09/09	Lewis Straus	25,000.00
03/16	Robert E. May	100,000.00
03/11	Robert E. May	9,854.72
03/19	Raymond Foulon	25,000.00
03/12	Calvary Hosp. Fund	100,000.00
03/12	Calvary Hosp. Fund	9,854.72
03/12	NY Univ Alumni Assn.	5,000.00
03/12	NY Univ Alumni Assn.	542.46
03/11	Bronx High School of Science	10,000.00
03/11	Bronx High School of Science	1,085.61
03/10	Woodmere Art Museum	10,000.00
03/11	Woodmere Art Museum	1,085.61
03/12	Bide A Wee Home Assn.	10,000.00
03/12	Bide A Wee Home Assn.	1,085.61
03/11	Alex Straus	75,000.00
03/11	Alex Straus	8,141.04

Schedule E

-1-

Schedule E (cont'd)

03/11	Jeffrey May	100,000.00
03/11	Jeffrey May	9,854.72
03/10	Richard May	100,000.00
03/10	Richard May	9,854.72
03/10	Cheryl Coleman	100,000.00
03/10	Cheryl Coleman	9,854.72
03/09	Long Luo	25,000.00
03/09	Long Luo	2,713.68
03/10	National Jewish Center For IMM	100,000.00
03/10	National Jewish Center For IMM	9,854.72
03/17/10	NU - Voice Club of Mount Sinai	10,000.00
03/17	NU - Voice Club of Mount Sinai	1,085.61
03/11	Univ. of MA Lowell Alumni Assn.	15,000.00
03/11	Univ. of MA Lowell Alumni Assn.	1,628.07
03/10	United Jewish Appeal Federation	10,000.00
03/16	United Jewish Appeal Federation	1,085.61
03/09	Lewis B. Straus	2,713.68
03/15	Peng Yan	25,000.00
04/26	Paul Straus	75,000.00
04/05	Raymond Foulon	2,713.68
04/08	St Luke's - Roosevelt Hosp.	100,000.00
04/08	St Luke's - Roosevelt Hosp.	9,854.72
04/05	Joseph McNamara	25,000.00
04/05	Joseph McNamara	2,713.68
04/06	Peng Yan	<u>400,000.00</u>

TOTAL SCHEDULE E \$2,512,708.43

Schedule E  
-2-

SCHEDULE D

CREDITORS CLAIMS

04/18/08	Wachovia Advisor Fee	\$ 1,019.08
04/18/08	Con Edison	90.06
04/28/08	Verizon	38.91
04/28/08	Time Warner	1,05.57
05/05/08	AARP Health Care	24.00
05/06/08	West End Ave Fee	2,104.92
08/08/08	U.S. Treasury 1040 For 2007	52,814.00
08/19/08	NYS Income Tax It-201 for 2007	21,213.00
09/23/08	SLR Diagnostic Radiology	82.96
06/02/08	Chase Card Service	1,672.50
06/11/08	Landauer Metropolitan	46.22
06/18/08	Chase Card Service	8,923.50
06/19/08	Landauer Metropolitan	58.42
09/22/08	NYS Commissioner of Taxes	712.39
10/14/08	AABS Locksmith	166.89
11/06/08	Landauer Metropolitan	<u>6.38</u>
TOTAL SCHEDULE D		<u>\$89,078.80</u>

Schedule D

SCHEDULE F

STATEMENT OF PRINCIPAL ON HAND 6/30/10

Wells Fargo Bank Deposit	\$1,821,377.25
Chase Checking	6,379.17
Chase Savings	82,717.69
Wells Fargo Bank Deposit IRA	1,223,037.50
Life Insurance	<u>30,000.00</u>
 TOTAL SCHEDULE F	 <u>\$3,163,511.61</u>

Schedule F

SCHEDULE H

STATEMENT OF COMMISSIONS

For receiving

Schedule A	9,688,246.48
Schedule A-1	65,756.73
Schedule A-2	<u>89,881.55</u>

Total Commissionable Estate	9,843,884.76
-----------------------------	--------------

5% on \$100,000.	5,000.00
4% on 200,000	8,000.00
3% on 700,000	21,000.00
2 1/2% on 4,000,000	100,000.00
2% on <u>4,843,884.76</u>	<u>96,877.70</u>
	9,843,851.99
	230,877.70

One Half (1/2) for Receiving	\$ 115,438.85
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For Paying Out

Schedule C	3,541,455.93
Schedule D	89,078.80
Schedule E	2,512,708.43
Schedule F	<u>3,164,511.61</u>

Total Commissionable Estate	9,307,754.77
-----------------------------	--------------

5% on \$100,000.	5,000.00
4% on 200,000	8,000.00
3% on 700,000	21,000.00
2 1/2% on 4,000,000	100,000.00
2% on <u>4,307,754.77</u>	<u>86,155.10</u>
	9,307,754.77
	220,155.10

One Half (1/2) for Paying Out	\$ 110,077.55
-------------------------------	---------------

Total Executor's Commission Payable to Deldre A. Sweeney	\$225,516.40
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Schedule I

STATEMENT OF OTHER PERTINENT FACTS

Proposed Distribution of Residuary Estate

Assets on Hand as of November 17, 2010	2,897,834.17
Less:	
Executor's Commission	(175,516.40)
Reserve for additional Expenses	<u>(100,000.00)</u>
Amount Available for Distribution	2,622,317.77

**EXHIBIT E**

Wall Street Plaza  
88 Pine Street, 21<sup>st</sup> Floor  
New York, NY10005  
(212)943-0280  
Fax: 212-943-0283

**Mccanliss & Early  
LLP**

# Fax

**To:** John Donovan &  
Debra Cardino

**From:** Deidre A. Sweeney

---

**Fax:** 631-661-0099      **Pages:** 2

---

**Phone:** 631-893-1302      **Date:** December 29, 2010

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**Re:** ESTATE OF ARMAND GREENHAL **cc:**

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**Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

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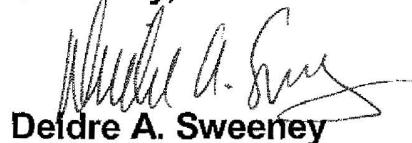
• **Comments:**

**Hi Debby:**

**Enclosed is a letter of instructions. I will send you  
hard copy by snail mail.**

**Happy New Year!**

**Sincerely,**



**Deidre A. Sweeney**

This fax is intended only for the addressee named above. As this fax may contain confidential or privileged information, if you are not the named addressee, or the person responsible for delivering the message to the named addressee, please telephone us immediately. The contents should not be disclosed to any other person nor copies taken.

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IF ANY PART OF THE FAX IS ILLEGIBLE, PLEASE TELEPHONE (212) 943-0280

December 29, 2010

VIA Fax and Mail  
(631) 661-0099

John M. Donovan, Jr.  
Wells Fargo Advisors  
500 West Main Street  
Suite 105  
Babylon, NY 11702

Re: Estate of Armand Greenhall  
Account # Redacted -3479

Dear John:

Please transfer all but \$ 200,516.40 of the funds in the captioned account to Peng Yan as soon as possible in accordance with his instructions.

After January 1, 2011, \$100,516.40 will be paid to me as the balance of my Executor's commission. The remainder of \$100,000. will be held in the account to cover unforeseen expenses for a reasonable amount of time.

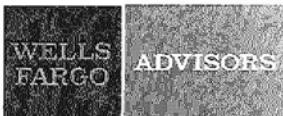
I will not be in the office tomorrow or Friday, December 31.

Happy New Year to you and Debby and your respective families.

Sincerely,

Deidre A. Sweeney

cc: Peng Yan



## SNAPSHOT

Page 1 of 7

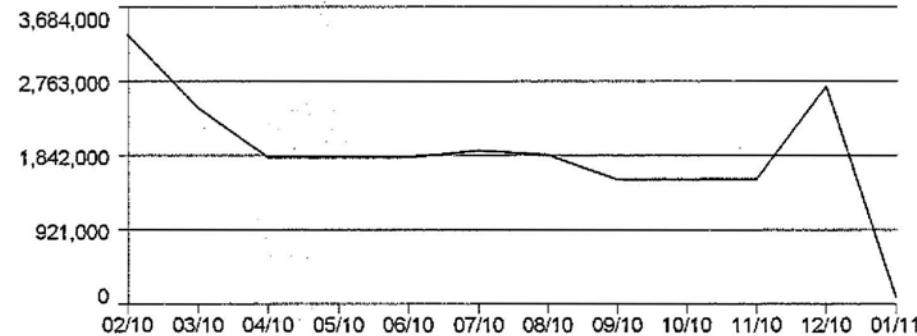
EST OF ARMAND L GREENHALL  
PENG YAN EXEC  
DEIDRE A SWEENEY EXEC

JANUARY 1 - JANUARY 31, 2011  
ACCOUNT NUMBER Redacted 3479

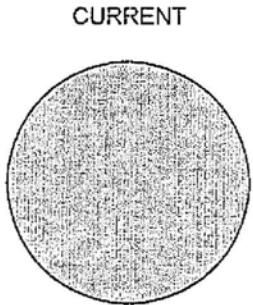
### Progress summary

	THIS PERIOD	THIS YEAR
Opening value	\$2,703,559.56	\$2,703,559.56
Cash deposited	0.00	0.00
Securities deposited	0.00	0.00
Cash withdrawn	-2,603,559.56	-2,603,559.56
Securities withdrawn	0.00	0.00
Income earned	6.86	6.86
Change in value	0.00	0.00
<b>Closing value</b>	<b>\$100,006.86</b>	<b>\$100,006.86</b>

### Value over time



### Portfolio summary



CURRENT	ASSET TYPE	PREVIOUS VALUE ON DEC 31	%	CURRENT VALUE ON JAN 31	%	ESTIMATED ANN. INCOME
ASSETS	Cash and sweep balances	2,703,559.56	100.00	100,006.86	100.00	\$20
	Stocks, options & ETFs	0.00	0.00	0.00	0.00	\$0
	Fixed income securities	0.00	0.00	0.00	0.00	\$0
	Mutual funds	0.00	0.00	0.00	0.00	\$0
	<b>Asset value</b>	<b>\$2,703,559.56</b>	<b>100%</b>	<b>\$100,006.86</b>	<b>100%</b>	<b>\$20</b>

## SNAPSHOT

Page 2 of 7

EST OF ARMAND L GREENHALL  
PENG YAN EXEC  
DEIDRE A SWEENEY EXEC

JANUARY 1 - JANUARY 31, 2011  
ACCOUNT NUMBER: Redacted 3479

### Cash flow summary

	THIS PERIOD	THIS YEAR
Opening value of cash and sweep balances	\$2,703,559.56	
Income and distributions	6.86	6.86
Net additions to cash	\$6.86	\$6.86
Withdrawals by check	-100,516.40	-100,516.40
Other subtractions	-2,503,043.16	-2,503,043.16
Net subtractions from cash	-\$2,603,559.56	-\$2,603,559.56
Closing value of cash and sweep balances	\$100,006.86	

### Income summary

	THIS PERIOD	THIS YEAR
TAXABLE Money market/sweep funds	6.86	6.86
Total taxable income	\$6.86	\$6.86
Total federally tax-exempt income	\$0.00	\$0.00
Total income	\$6.86	\$6.86

### Gain/loss summary

	UNREALIZED	THIS PERIOD REALIZED	THIS YEAR REALIZED
Short term	0.00	0.00	0.00
Long term	0.00	0.00	0.00
Total	\$0.00	\$0.00	\$0.00





## SNAPSHOT

Page 3 of 7

EST OF ARMAND L GREENHALL  
PENG YAN EXEC  
DEIDRE A SWEENEY EXEC

JANUARY 1 - JANUARY 31, 2011  
ACCOUNT NUMBER: Redacted 3479

### Your Financial Advisor

JOHN M. DONOVAN JR.  
Phone: 631-893-1302 / 877-613-1600

500 W MAIN STREET  
SUITE 105  
BABYLON NY 11702

### Account profile

Full account name: EST OF ARMAND L GREENHALL  
PENG YAN EXEC  
DEIDRE A SWEENEY EXEC  
Command Asset Program Premier  
Redacted 3479  
Redacted 4727  
Taxable  
MODERATE GROWTH & INCOME  
First in, First out  
Sweep option: BANK DEPOSIT SWEEP

Per your instructions, copies of this statement have been sent to an interested party. Please contact Your Financial Advisor for details.

### Available funds

Cash	0.00
Money market and sweep funds	100,006.86
Available for loan	0.00
<b>Your total available funds</b>	<b>\$100,006.86</b>

### Client service information

Banking inquiries: 800-266-6263 (800) COMMAND  
En espanol: 800-326-8977  
Website: [www.wellsfargoadvisors.com](http://www.wellsfargoadvisors.com)

### For your consideration

Go paperless. Accessing all of your account documents online is easy and costs nothing. To participate, go to [wellsfargoadvisors.com](http://wellsfargoadvisors.com) and click on the Access Online "Client Login" link in the upper right hand corner of the homepage. If you already have a User ID and Password, please log in and click on the "Delivery Preferences" link found under the Accounts & Services tab to turn off paper delivery of your account documents. If you do not have a User ID and Password, please click on the "Sign up online" link on the right side of the Access Online login page or call 877-879-2495 for assistance.

### Document delivery status

	Paper	Electronic
Statements:	X	
Trade confirmations:	X	
Tax documents:	X	
Shareholder communications:	X	

EST OF ARMAND L GREENHALL  
PENG YAN EXEC  
DEIDRE A SWEENEY EXEC

JANUARY 1 - JANUARY 31, 2011  
ACCOUNT NUMBER: 3479

## Portfolio detail

### Cash and Sweep Balances

Bank Deposit Sweep - Consists of monies held at Wells Fargo Bank, N.A. and (if amounts exceed \$250,000) at one or more other Wells Fargo affiliated banks. These assets are not covered by SIPC, but are instead eligible for FDIC insurance of up to \$250,000 per depositor, per institution, in accordance with FDIC rules. For additional information on the Bank Deposit Sweep for your account, please contact Your Financial Advisor.

DESCRIPTION	% OF ACCOUNT	ANNUAL PERCENTAGE YIELD EARNED*	CURRENT MARKET VALUE	ESTIMATED ANNUAL INCOME
BANK DEPOSIT SWEEP	100.00	0.02	100,006.86	20.00
Interest Period 01/01/11 - 01/31/11				
<b>Total Cash and Sweep Balances</b>	<b>100.00</b>		<b>\$100,006.86</b>	<b>\$20.00</b>

\* APYE measures the total amount of the interest paid on an account based on the interest rate and the frequency of the compounding during the interest period. The annual percentage yield earned is expressed as an annualized rate, based on a 365- or 366-day year (as applicable).

### Bank Deposit Sweep Allocation

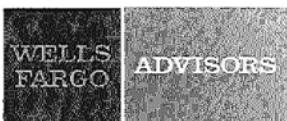
Monies on deposit at each bank, together with any other deposits held in the same insurable capacity at each bank, are eligible for FDIC insurance up to \$250,000 per depositor, per bank in accordance with FDIC rules. These assets are not held in your securities brokerage account and therefore are not covered by SIPC. Settlement timing differences will cause balances displayed in this section to vary from those indicated in the Portfolio detail section due to activity that occurs after 2 PM ET on the last business day of the month. If you have questions about your sweep option, including rates, please contact Your Financial Advisor.

DESCRIPTION	CURRENT VALUE	AS OF VALUE DATE
WELLS FARGO BANK, N.A.	100,000.00	01/31
<b>Total Bank Deposits</b>	<b>\$100,000.00</b>	

### Activity detail by date

DATE	ACCOUNT TYPE	TRANSACTION/ CHECK NUMBER	QUANTITY	DESCRIPTION	PRICE	AMOUNT	CASH AND SWEEP BALANCES
01/01				BEGINNING BALANCE			2,703,559.56
01/04	Cash	JOURNAL		TO <u>Redacted</u> 3557 YAN PENG	-2,503,043.16	200,516.40	
01/12	Cash	0001252		DEIDRE A SWEENEY	-100,516.40	100,000.00	
01/31	Cash	INTEREST		BANK DEPOSIT SWEEP	6.86	100,006.86	





EST OF ARMAND L GREENHALL  
PENG YAN EXEC  
DEIDRE A SWEENEY EXEC

JANUARY 1 - JANUARY 31, 2011  
ACCOUNT NUMBER: Redacted 3479

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## Activity detail by type

### Income and distributions

DATE	ACCOUNT TYPE	TRANSACTION	QUANTITY	DESCRIPTION	PRICE	AMOUNT
01/31	Cash	INTEREST		BANK DEPOSIT SWEEP		6.86
<b>Total Income and distributions:</b>						<b>\$6.86</b>

### Withdrawals by check

Entries that display a blank in the expense code field are checks generated by the firm based upon standing or specific instructions that you have provided.

DATE	ACCOUNT TYPE	CHECK NUMBER	DESCRIPTION	EXPENSE CODE	AMOUNT
01/12	Cash	0001252	DEIDRE A SWEENEY	Unspecified	-100,516.40
<b>Total Withdrawals by check:</b>					<b>-\$100,516.40</b>

### Other subtractions

DATE	ACCOUNT TYPE	TRANSACTION	QUANTITY	DESCRIPTION	PRICE	AMOUNT
01/04	Cash	JOURNAL		TO <span style="border: 1px solid black; padding: 0 2px;">Redacted</span> 3557 YAN PENG		-2,503,043.16
<b>Total Other subtractions:</b>						<b>-\$2,503,043.16</b>

## Cash sweep activity

Our Cash Sweep program allows you to earn a return on the idle cash balances in your account by automatically investing such balances into one of our cash sweep options. These 'sweep transactions' may represent a net amount for the day and occur on settlement date. The following section displays transfers into and out of your sweep option. Transactions displayed here are Transfer To, Transfer From and Reinvested Dividends and Interest. These transaction amounts are not included in your cash flow summary.

DATE	TRANSACTION	DESCRIPTION	AMOUNT	DATE	TRANSACTION	DESCRIPTION	AMOUNT
01/01		BEGINNING BALANCE	2,703,559.56				
01/04	TRANSFER FROM	BANK DEPOSIT SWEEP	-2,503,043.16	01/31	REINVEST INT	BANK DEPOSIT SWEEP	6.86
01/12	TRANSFER FROM	BANK DEPOSIT SWEEP	-100,516.40	01/31		ENDING BALANCE	100,006.86

## Specific instructions and disclosures

### Available funds

"Available for loan" reflects the approximate amount available as of the statement period ending date and should be reduced by any pending checks and Visa charges not yet cleared. This amount is the approximate amount available for withdrawal and loans. A margin loan is a variable rate loan secured by your account.

EST OF ARMAND L GREENHALL  
PENG YAN EXEC  
DEIDRE A SWEENEY EXEC

JANUARY 1 - JANUARY 31, 2011  
ACCOUNT NUMBER: [Redacted] 3479

**Cost basis**

This statement presents estimated unrealized gains or losses based on information provided by you or your preceding custodian. The information displayed is provided for your information and may or may not be provided to the Internal Revenue Service for tax reporting purposes. If acquisition or other information is not available, the gain/loss information may not be displayed and section and summary totals may not reflect your complete portfolio. Cost basis information for non-covered securities is not verified by FCC or Wells Fargo Advisors and should not be relied upon for legal or tax purposes. Revisions to this information (due to corporate mergers, tenders and other reorganizations) may be required from time to time. To update or provide omitted cost basis information, please contact the individual servicing your account.

Cost basis for factored bonds (GNMA, CMO, etc.) will be adjusted for paydown of principal. Systematic investments in mutual funds and reinvested dividends for mutual funds and stocks have been consolidated for each position. Unit cost data for systematic investments and dividend reinvestment securities is provided for informational purposes only and is a non-weighted average.

Your account statement should not be used for tax preparation without assistance from your tax consultant. We do not report capital gains or losses for non-covered securities to the IRS.

10-05048\_DS\_0001266





## Statement balancing guide

- 1 Record in your account register all items which may appear on this statement that have not previously been entered in your account register, such as ATM/Check Card transactions, automatic transfers, preauthorized drafts, interest earned, service charges, proceeds from sales, security purchases, etc.
- 2 In your account register, check off the additions and subtractions as shown in the Activity Detail Section.
- 3 In the Outstanding Additions section at the right (Section A), list any outstanding additions such as deposits, dividends and interest, proceeds from sales, etc., that have been made since the date of this statement.
- 4 In the Outstanding Subtractions section at the right (Section B), list any checks that have not yet been paid and any outstanding subtractions such as ATM/Check Card transactions and any margin interest, service fees and purchases, etc., that have been made since the date of this statement.
- 5 Write in the Closing Balance shown in the Cash flow summary. \_\_\_\_\_
- 6 Write in the total amount of Outstanding additions (Section A). + \_\_\_\_\_
- 7 Total the amounts in lines 5 & 6. = \_\_\_\_\_
- 8 Write the total amount of Outstanding Subtractions (Section B). - \_\_\_\_\_
- 9 Subtract the amount in line 8 from the amount in line 7. This is your **Adjusted Statement Balance.** = \_\_\_\_\_

September 19, 2014

Mr. Peng Yan

**Redacted**

Re: Estate of Armand L. Greenhall

Dear Peng:

As requested, I enclose a check payable to you in the amount of \$ 16,100. to cover your income tax liability.

Sign your name next to the red arrow and also endorse the check on the back before depositing it.

Sincerely,

Deidre A. Sweeney

Enclosure

DO NOT DETACH THIS VOUCHER  
PAYMENT OF THIS CHECK WILL BE REFUSED, UNLESS  
RECEIPT IS SIGNED AND CHECK ENCLOSED.

CHECK NO. 9985 DATE 9/16/14  
RECEIVED OF Debbie A. Sweeney MP  
PERSONAL REPRESENTATIVE EXECUTOR EXECUTIVE ADMINISTRATION ADMINISTRATIVE TRUSTEE GUARDIAN  
OF THE ESTATE OF ARMAND GREENHALL

THE SUM OF 16,100.00  
IN PAYMENT OF Distribution

SIGN HERE  ALSO ENDORSE BACK OF CHECK

CHASE **Sign Here**  
JPMorgan Chase Bank  
National Division  
www.chase.com

10009985100210000211

00000000000000000000000000000000

ESTATE OF ARMAND GREENHALL No. 9985  
DATE 9/16/14 01-2 210-217  
PAY TO THE ORDER OF PPNG YAN \$ 16,100.00  
Sixteen Thousand One Hundred, 00/00 DOLLARS  Security Features  
Engraved  
Dollars on Back

ARMAND GREENHALL  
Debbie A. Sweeney, Executing

Redacted 299811

**Deidre A. Sweeney**

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**From:** Bass Redacted  
**Sent:** Wednesday, September 17, 2014 4:59 PM  
**To:** Deidre A. Sweeney  
**Subject:** Re: Estate of Armand Greenhall

Hi, Ms Sweeney,  
My tax Accountant just called me, he said, that year I owe \$13,000 for federal, \$600 for New York State, \$1600 for TN, and his fee \$900. Total is \$16,100.  
If you can send me check to cover it would be great. thank you. Peng

On 2014年8月14日, at 上午10:08, "Deidre A. Sweeney" <[Dsweeney@McCanliss.com](mailto:Dsweeney@McCanliss.com)> wrote:

Dear Peng,

I am writing you from my office email account because it is  
More secure than my personal(Microsoft) account. I have reviewed  
The information you sent and my files. Form April 14, 2008 to March 31, 2009  
You received distributions from the Estate of \$868,990.01. \$36,576.90 of that  
Was income taxable to you with some adjustments. Therefore, as your tax advisor  
Has probably informed you, you were required to report this income on your US and  
Tennessee personal income tax returns.

I still have some money in the estate checking account so if you tell me how much you owe,  
I can send you a check to cover it.

Also in separate email, I will send you a copy of the Schedule K-1.

Hope all is well otherwise.  
Sincerely,

Deidre